

C O P Y

*in opinion*

H 4 8

April 1, 1957

Ray E. Tarbox, Commissioner  
N. H. State Liquor Commission  
109 North Main Street  
Concord, New Hampshire

Dear Mr. Tarbox:

In a conference on March 29, 1957, you drew my attention to the phrase "at tables only" in the recently enacted RSA 178:3-a dealing with the sale of liquors and fortified wines in restaurants; and you inquired if the use of the quoted phrase would prevent licensees from serving liquors and wines to persons seated in booths. We answer in the negative.

An examination of the statutes dealing with alcoholic beverages (RSA Title XIII) discloses that in the view of the Legislature booths and tables are not mutually exclusive, and booths may fall within the definition of tables.

Thus, RSA 181:4 provides for the sale of beverages in restaurants "at public tables" and in hotels and clubs "at tables". This section - the only section dealing with the on-sale of beverages - makes no mention of booths. However, in RSA 176:11, we find the following language:

"Liquor or beverages shall not be sold in any establishment where booths that are not open at the end or that are more than forty-two inches high are used for serving patrons. Costumers may be erected and attached to the ends of booths."

There is nothing in RSA 178:3-a which suggests that the reference to tables contemplated a more limited interpretation of the word than is applied in other parts of Title XIII. In such circumstances, we entertain the view that persons licensed under RSA 178:3-a may serve persons seated in booths which meet the standards of RSA 176:11 and all rules and regulations with respect thereto as the Commission may have promulgated.

Very truly yours,

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Warren E. Waters  
Deputy Attorney General

CONCORD, N.H.

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